

494209



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-2255

MAR 8 2002

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PROGRAM

Real Estate Division
Realty Operations Branch

Mr. Duc Nguyen, On Scene Coordinator
Libby Asbestos Project
EPA Region 8
999 18th Street Suite 300
Denver, Colorado 80202-2466

Dear Mr. Nguyen:

For your records, please find enclosed a fully executed copy of Department of the Army Permit to Other Federal Agency No. DACW67-4-02-60 for restoration work in connection with the removal of rocks from the Fisher River Quarry Site around Libby Dam, Montana.

Your cooperation in this matter is much appreciated.

Should you need any further assistance or have any questions, please contact the undersigned at (206) 764-6088 or via email at claire.k.wilson@usace.army.mil.

Sincerely,

A handwritten signature in cursive script, appearing to read "Claire K. Wilson", is written over the typed name.

Claire K. Wilson
Realty Technician

Enclosures

DEPARTMENT OF THE ARMY
PERMIT TO OTHER FEDERAL GOVERNMENT DEPARTMENT OR AGENCY
TO USE PROPERTY LOCATED ON
LIBBY DAM AND LAKE KOOCANUSA PROJECT
LINCOLN COUNTY, MONTANA

THE SECRETARY OF THE ARMY, hereinafter referred to as the Secretary hereby grants to **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**, hereinafter referred to as the grantee, a permit for removal of 7000 cubic yard of rock and restoration work, over, across, in and upon the lands identified in **Exhibits A & B**, attached hereto and made a part hereof, hereinafter referred to as the premises.

THIS PERMIT is granted subject to the following conditions:

1. This permit is hereby granted for a term of two (2) years, beginning February 1, 2002, and ending January 31, 2004 but revocable at will by the Secretary.
2. The Consideration for this permit shall be the restoration and maintenance of said premises for the benefit of the general public in accordance with the terms and conditions hereinafter set forth.
3. All correspondence and notices to be given pursuant to this permit shall be addressed, if to the grantee, to *Mr. Duc Nguyen, on scene coordinator, Libby Asbestos Project, EPA Region 8, 999 18th St. Suite 300, Denver, Colorado 80202-2466*, and if to the United States, to the *District Engineer, Seattle District Corps of Engineers, ATTN: Chief, Real Estate Division, Post Office Box 3755, Seattle, Washington 98124-3755*, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope or wrapper addressed as aforesaid, and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service.
4. The use and occupation of the premises shall be without cost or expense to the Department of the Army, and under the general supervision and subject to the approval of the District Engineer, Seattle District, or his duly authorized representative, hereinafter referred to as said officer and to such rules and regulations as may be prescribed from time to time by said officer.

5. The grantee acknowledges that it has inspected the premises, knows its condition, and understands that the same is granted without any representations or warranties whatsoever and without any obligation on the part of the Department of the Army.

6. The grantee shall, at its own expense and without cost or expense to the Department of the Army, maintain and keep the premises in good repair and condition.

7. Any interference with the use of or damage to property under control of the Department of the Army incident to the exercise of the privileges herein granted shall be promptly corrected by the grantee to the satisfaction of said officer.

8. The grantee shall pay the cost, as determined by the officer having immediate jurisdiction over the premises, of producing or supplying any utilities and/or other services furnished by or through the Department of the Army for the use of the grantee.

9. No additions to or alterations of the premises shall be made without the prior written approval of the District Engineer.

10. On or before the date of expiration of this permit or its relinquishment by the grantee, the grantee shall vacate the premises, remove its property therefrom. If, however, this permit is revoked, the grantee shall vacate the premises and remove its property therefrom within such time as the District Engineer may designate.

11. The grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

12. A Preliminary Assessment Screening (PAS) documenting the known history of the property with regard to the storage, release or disposal of hazardous substances thereon is attached hereto and made a part hereof as Exhibit _____. Upon expiration, revocation or relinquishment of this permit, another PAS shall be prepared which will document the environmental condition of the property at that time.

13. It is understood that the requirements of this permit pertaining to maintenance, repair, protection, and restoration of the premises and reimbursement for utilities and other services, shall be effective only insofar as they do not conflict with any agreement, pertaining to such matters made between local representatives of the grantor and grantee in accordance with existing regulations.

14. The grantee shall remove the waste rock (blasting, lading hauling and clean up) at its own expense.

15. The grantee shall pile logs or trees that need to be removed to an area designated by the project personnel.

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EPA

Libby Dam, Montana

16. The grantee shall load and haul all rocks that do not meet specifications (too large or small) to the areas designated by project personnel.

17. All blasting operations prior to the time of blasting shall be approved by project personnel.

18. The grantee shall have all blasted rock removed from the quarry to the super-fund site or areas designated by project personnel.

19. The grantee shall close and lock access gates into the quarry after each work shift.

20. The grantee shall purchase and install a gate for the new south entrance road into the quarry.

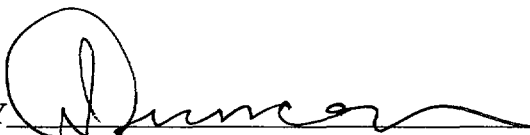
Prior to execution of this permit conditions were deleted, revised and added in the following manner:

Conditions 12 & 13 were deleted, Conditions 14-20 were added.

THIS PERMIT is not subject to Title 10, United States Code, Section 2662, as amended.

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IN WITNESS whereof, I have hereunto set my hand by authority of the Secretary of the Army, this 7th day of MARCH, 2002.

BY 
Joseph C. Duncan
Chief, Real Estate Division
Seattle District, Corps of Engineers

This permit is also executed by the grantee this 27th day of February, 2002.

ENVIRONMENTAL PROTECTION AGENCY

BY 
(Signature)

DUC NGUYEN
(Print or type name)

On-Scene Coordinator
(Title)

A parcel of land in the east half of the southwest quarter of Section 21 and the northeast quarter of the northwest quarter of Section 28, all being in Township 30 North, Range 29 West of the Montana Principal Meridian, Lincoln County, Montana, said parcel lying westerly of the westerly right-of-way line of a road known as the Fisher River Road and being described as follows:

Beginning at the southwest corner of said northeast quarter of the northwest quarter of Section 28; thence on the west line thereof, north $04^{\circ}12'27''$ east, a distance of 1,320.30 feet to the west 1/16th corner common to said Sections 21 and 28; thence north $04^{\circ}20'27''$ east a distance of 2,638.43 feet on the west line of said east half of the southwest quarter to the northwest corner thereof; thence on the north line of said east half of the southwest quarter, south $85^{\circ}37'58''$ east a distance of 700.15 feet to said westerly right-of-way line of Fisher River Road; thence on said right-of-way, south $28^{\circ}20'13''$ west a distance of 60.15 feet to the beginning of a 1,466.00 foot radius curve to the left; thence on said curve through a central angle of $24^{\circ}41'58''$ for an arc distance of 631.97 feet; thence south $03^{\circ}38'15''$ west, a distance of 189.89 feet to the beginning of a 2,898.00 foot radius curve to the left; thence on said curve through a central angle of $12^{\circ}35'20''$ for an arc distance of 636.74 feet; thence south $08^{\circ}57'05''$ east a distance of 885.39 feet to the beginning of a 1,877.00 foot radius curve to the right; thence on said curve through a central angle of $07^{\circ}37'02''$ for an arc distance of 246.81 feet; thence south $01^{\circ}25'03''$ east a distance of 30.49 feet to the beginning of a 1,400.00 foot radius curve to the right; thence on said curve through a central angle of $14^{\circ}53'53''$ for an arc distance of 364.03 feet; thence south $13^{\circ}28'50''$ west a distance of 56.09 feet to the beginning of a 1,400.00 foot radius curve to the right; thence on said curve through a central angle of $15^{\circ}25'40''$ for an arc distance of 376.97 feet; thence south $28^{\circ}54'30''$ west a distance of 611.93 feet to the south line of said northeast quarter of the northwest quarter; thence on said south line north $85^{\circ}32'24''$ west a distance of 490.20 feet to said point of beginning.

The above bearings are based on the Lambert Grid System, State of Montana, North Zone.

The tract of land herein described contains 62.76 acres, more or less.

Exhibit "A"

TARGET SHEET
EPA REGION VIII
SUPERFUND DOCUMENT MANAGEMENT SYSTEM

DOCUMENT NUMBER: 494209

SITE NAME: LIBBY ASBESTOS

DOCUMENT DATE: 03/08/2002

DOCUMENT NOT SCANNED

Due to one of the following reasons:

- ☐ PHOTOGRAPHS
- ☐ 3-DIMENSIONAL
- ☒ OVERSIZED
- ☐ AUDIO/VISUAL
- ☐ PERMANENTLY BOUND DOCUMENTS
- ☐ POOR LEGIBILITY
- ☐ OTHER
- ☐ NOT AVAILABLE
- ☐ TYPES OF DOCUMENTS NOT TO BE SCANNED
(Data Packages, Data Validation, Sampling Data, CBI, Chain of Custody)

DOCUMENT DESCRIPTION:

Project Map - Libby Dam and Lake Koocanusa Project, Kootenai River, MT
